TOWN OF CLARE Appeal Board Planning Board Town Board	,	Appeal Rezone Revise Ordinance Subdivision Limited Use Perm	Rec'd. by: - Apri	Jonathan Bleuer 1 21, 2016
Action Desired	Applic	cant requests a	variance to a	allow a residential
use at 8745	Roll Roa	id, located in t	the Industrial	Business Park Zone
	····			
Reason 229-10	U			<u></u>
<del></del>				
		-	PLI	ASE PRINT
			Paul Giord	ano
	*		ddress Cente	r Pine Lane
				lle, NY 14221
			own/City hone 689-329	State Zip
	<del></del>	Р	hone 689-329	8
		<u>s</u>	lgned SIGNATUR	E ON FILE
ners. The complete requi	nat with all naca	segary niane, mans, signatures	: should be filed with the S	give brief description and refer to attach ecretary of the Planning Board Reque nning Board with subsequent loss of tin
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Proposed residential use on industrial property

 $^{st}$  note the parcel lines displayed are approximate

8745 Roll Road



## Town of Clarence Planning and Zoning

### Memo

To: Zoning Board of Appeals Members

From: James Callahan, Director of Community Development

**cc:** Deputy Town Attorney Steve Bengart

**Date:** April 29, 2016

Re: Use Variance Request at 8745 Roll Road

The request for a use variance at 8745 Roll Road will require an action under the State Environmental Quality Review Act (SEQRA). A Use Variance is not an automatic Type 2 Action as our most area variances. A Short Environmental Assessment Form (SEAF) has been submitted for your review. Below please find a draft motion that will be required should the ZBA consider approval of the requested use variance:

Pursuant to Article 8 of the Environmental Conservation Law, to issue a Negative Declaration on the proposed use variance to allow for a residential single family home to be constructed in the Industrial Business Park Zone. This Unlisted Action involves construction of a single family home on lands that are zoned to not allow such a use. After thorough review of the submitted site plan and SEAF it is determined that the proposed action will not have a significant negative impact upon the environment.

### Short Environmental Assessment Form Part 1 - Project Information

#### **Instructions for Completing**

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information					
Paul Giordano					
Name of Action or Project:					
Use Variance					
Project Location (describe, and attach a location map):		,			
8745 Roll Road					
Brief Description of Proposed Action:					
Request a variance to allow a residential use on a industrial zoned property.					
Name of Applicant or Sponsor:	Teleph	none: 716-689-3298			
Paul Giordano E-M					
Address:					
5458 Center Pine Lane					
City/PO:		State:	Zip	Code:	
Williamsville		NY	1422	21	
1. Does the proposed action only involve the legislative adoption of a plan, le	ocal law	, ordinance,		NO	YES
administrative rule, or regulation?  If Yes, attach a narrative description of the intent of the proposed action and may be affected in the municipality and proceed to Part 2. If no, continue to	the envi	ironmental resources t n 2.	hat	<b>✓</b>	
2. Does the proposed action require a permit, approval or funding from any	other go	vernmental Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:				$\checkmark$	
3.a. Total acreage of the site of the proposed action?  b. Total acreage to be physically disturbed?  c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		11 acres 0 acres 11 acres			
4. Check all land uses that occur on, adjoining and near the proposed action.  ☐ Urban	ercial	Residential (suburt	ban)		

	NO	VEC	NI/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO .Z	YES	N/A
b. Consistent with the adopted comprehensive plan?	<del> </del>		
		<u> </u>	WEG
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
		السا	_=
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Ar	ea?	NO	YES
If Yes, identify:		<b>V</b>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
8. a. will the proposed action result in a substantial increase in traffic above present levels?		V	
b. Are public transportation service(s) available at or near the site of the proposed action?		V	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed act	ion?	$\searrow$	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:  will meet but not exceed			<b>✓</b>
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			
N/A		V	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
			_
If No, describe method for providing wastewater treatment:  N/A		V	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic		NO	YES
Places?		$\overline{V}$	
b. Is the proposed action located in an archeological sensitive area?		<b>7</b>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain	ı	NO	YES
wetlands or other waterbodies regulated by a federal, state or local agency?		V	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<b>V</b>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a	ll that a	ipply:	
Shoreline Forest Agricultural/grasslands Early mid-succession	onai		
☐ Wetland ☐ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed		NO	YES
by the State or Federal government as threatened or endangered?		<b>7</b>	
16. Is the project site located in the 100 year flood plain?		NO	YES
10. Is the project site located in the 100 year flood plant.		1.71	1
17 Will de la diameter discharge either from point or non-point courses?		NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?  If Yes,			
a. Will storm water discharges flow to adjacent properties?	i	V	Ш
1. Will strange water discharge he discated to established conveyance systems (runoff and storm design	c)?		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drain If Yes, briefly describe:	5):		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain purpose and size:		
N/A		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:		
N/A		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:		
N/A		
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE KNOWLEDGE	BEST O	FMY
Applicant/sponsor name: Paul Giordano Date: April 2016		
Signature: on file		



#### REQUEST FOR A CHANGE/VARIANCE FOR THE VACANT LAND KNOWN AS 8745 ROLL ROAD **CLARENCE, NEW YORK**

**OWNER: DR. PAUL GIORDANO** 5458 Center Pine Lane Williamsville, New York 14221

The Listing Realtor of the property was advised by a representative of the Town of Clarence this parcel of lane was re-zoned in 2005 and designated as (NDUSTRIAL. Attached you will find Tax and Assessment Information ALL referring to the land as CLASS 311. Per the Property Class Code Description, CLASS 311 is listed as Residential Vacant land. Is it possible that inadvertently the property was listed as Industrial Vacant Land, CLASS 340 in error since ALL of the Tax Information clearly designate the property to be CLASS 311? This is pure speculation BUT it has led to a great deal of confusion and frustration.

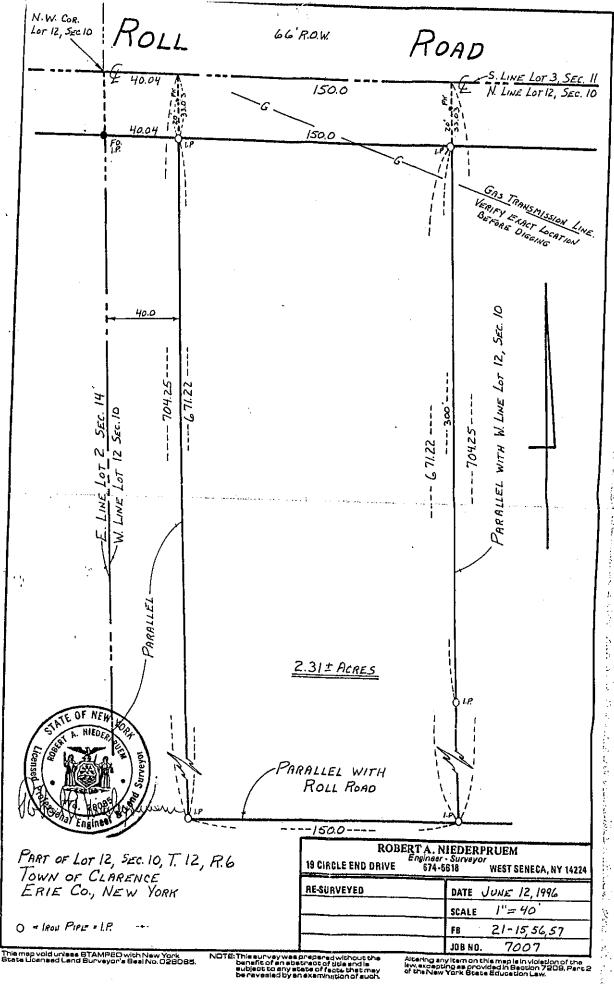
The property when purchased by the current owner in 1997 was purchased as RESIDENTIAL. It was purchased with the intent of building a Single Family Dwelling on the land. The property appears to be the last one zoned INDUSTRIAL while it is bordered on the East by a Residential Property construction in the last 3 years.

It is my request to have the property returned to the original zoning, RESIDENTIAL, if in fact it was reclassified for unknown reasons in 2005.

To refuse my request has a tremendous negative impact on selling the property, especially in light of the neighboring Residential Home.

You consideration is greatly appreciate.

taul B. Giorgino
Dr. Paul B. Giorgino



REQUEST FOR ACTION BY: TOWN OF CLARENCE, N.Y. Appeal Board Planning Board Town Board	Appeal  Rezone Revise Ordinance Subdivision Limited Use Permit	Rec'd, by: Jam Date April :		an
ACTION Desired	cant requests a va			
front yard setback o				
area to service an a		ounty Road, 10	ocated in	the
Industrial Business	Park zone.			
Reason 229-102(E)			04.00 Care 27 H COOK 24.55	Enter the second
		PLEASI	E PRINT	A CONTRACTOR OF THE CONTRACTOR
	Nam	R2B Managemer	ıt Bryan S	Schaefer
		9580 County F	₹oad	
,		Clarence Cent		)32
	Towi Phon	n/City	State	Zip
	Signi	ed SIGNATURE C	N FILE	
Approved []	icento niano, mans, signaturas, sho	ould be filed with the Secret erally be referred to Planning	ary of the Planning g Board with subset	Quent loss of time
Published (Attach Clipping)		on		20
Hearing Held by		on		20
Final Action Taken Approved □		,	4,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	20
Published (Attach Clipping)		on	•••••	20
Filed with Town Clerk		<b>on</b>		20
Filed with County Clerk		on		20

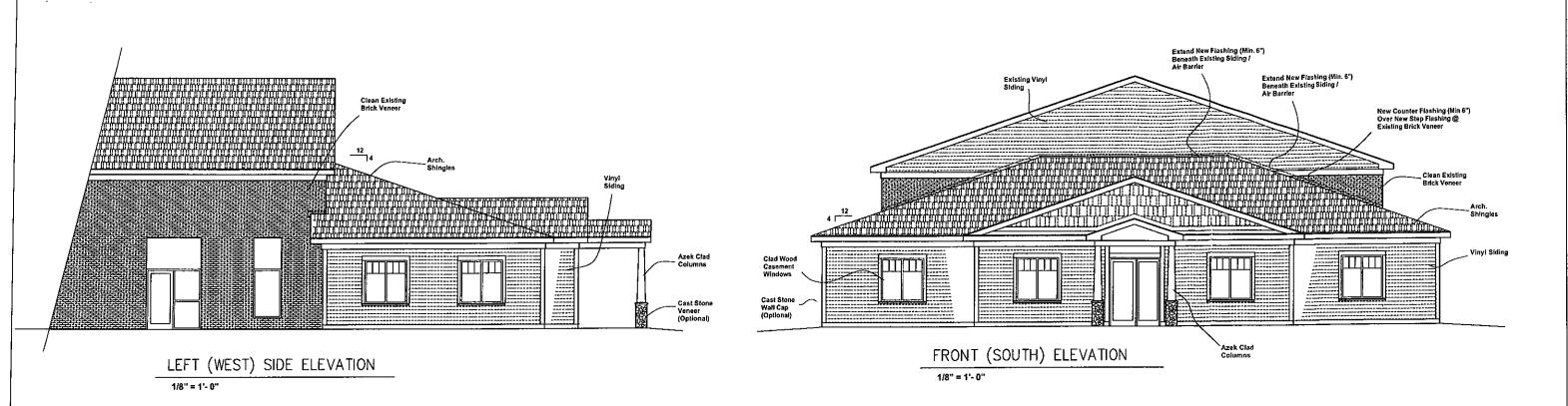


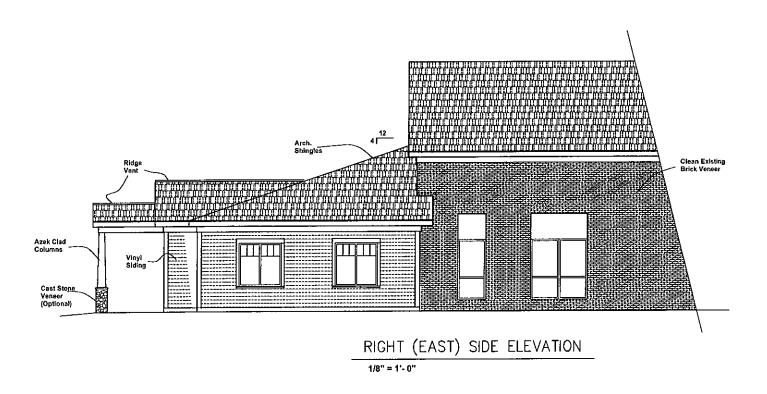
Proposed addition (red) and parking (grey) resulting in a 58.79 +/- front yard setback from edge of parking to edge of ROW

\* note the parcel lines displayed are approximate









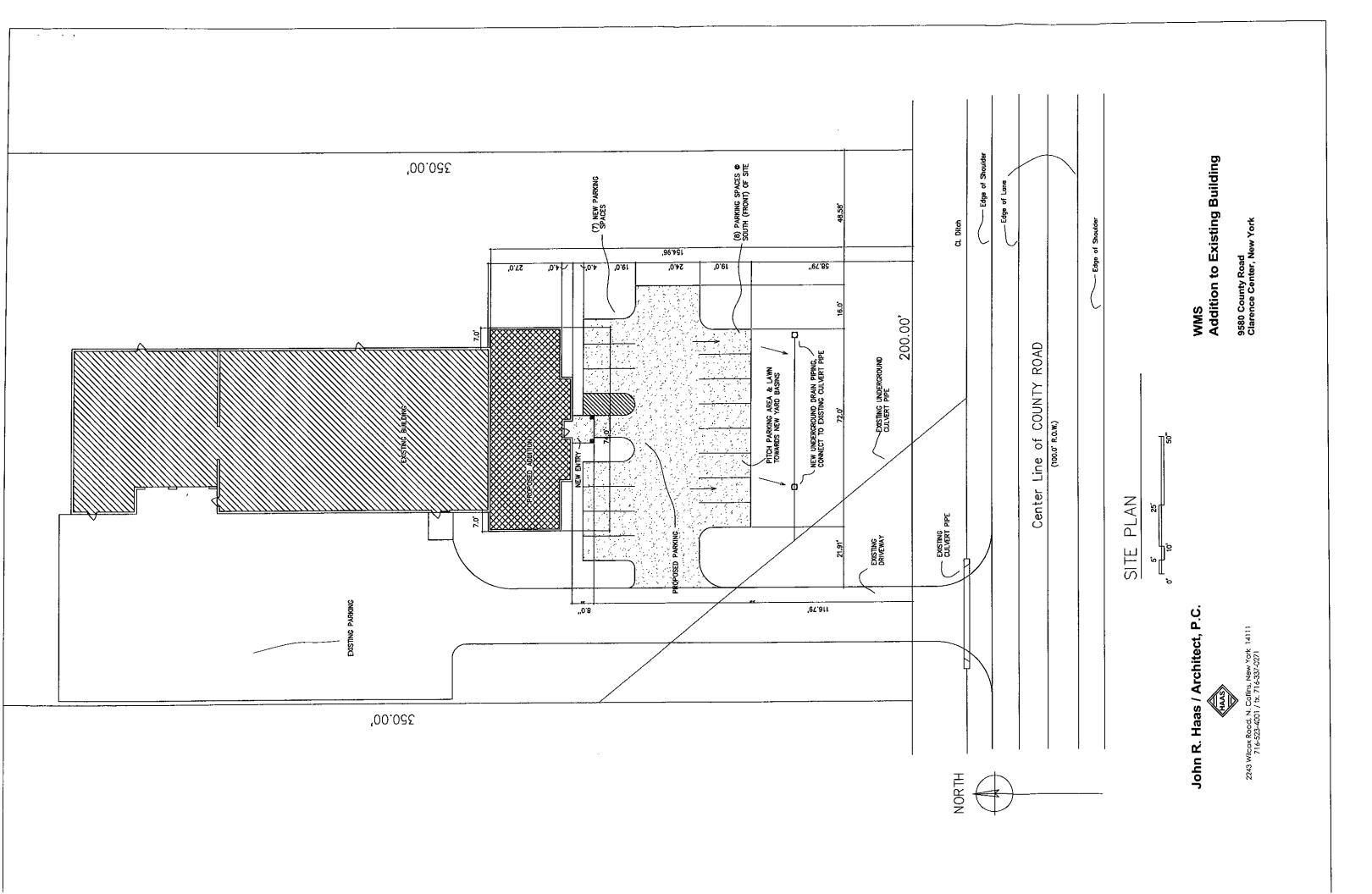
# WMS Addition to Existing Building

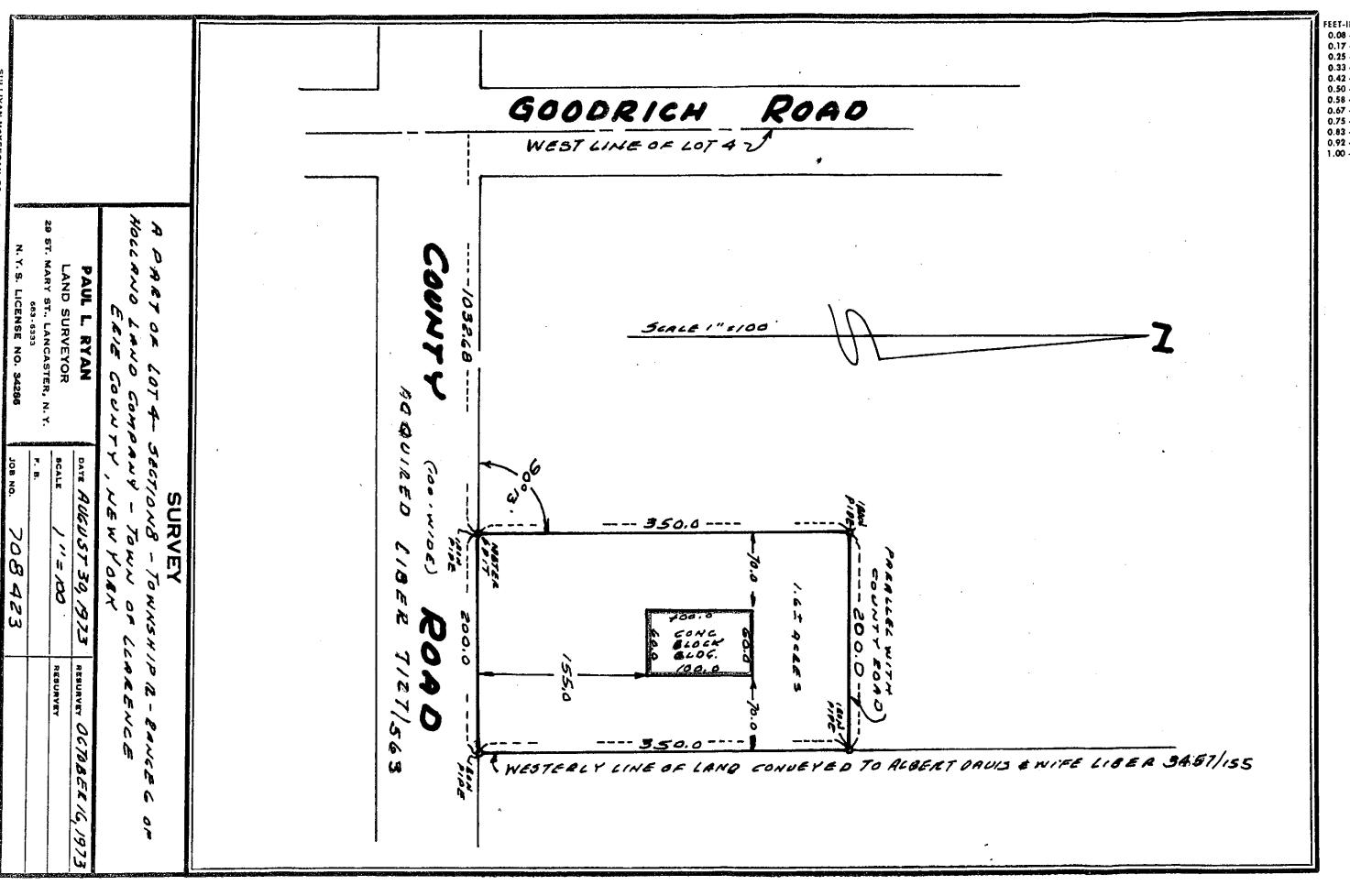
9580 County Road Clarence Center, New York

John R. Haas / Architect, P.C.



2243 Wilcox Road, N. Collins, New York 14111 716-523-4001 / fx. 716-337-0271





FEET-INCHES 0.08 = 1" 0.17 = 2" 0.25 = 3" 0.33 = 4" 0.42 = 5" 0.50 = 6" 0.58 = 7" 0.67 = 8" 0.75 = 9" 0.83 = 10" 0.92 = 11" 1.00 = 12"